
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Leonard S. Schultz	
Appln. No.:	10/628,843	Confirmation No.: 5820
Filing Date:	July 28, 2003	Examiner: D. Yabut
Title:	DEVICE AND METHOD FOR BODY LUMEN OCCLUSION	Group Art Unit: 3734

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This is a response to the Notice of Non-Compliant Appeal Brief dated June 17, 2008. In response thereto, Applicant has enclosed with this Response a replacement page 5 to replace the originally filed page 5 in the Appeal Brief. The replacement page 5 now includes the status of the appealed claims as required.

This response is being submitted on or before July 17, 2008, making this a timely response. It is believe that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

This application now stands in allowable form and reconsideration and allowance is respectfully requested.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date:

July 9, 2008

By:

Nathan J. Witzany
Nathan J. Witzany, Reg. No. 60,948
(612) 492-6862

(iii) STATUS OF CLAIMS

Claims 1-28 have previously been canceled.

Claims 29-38 are pending and are herein appealed.

Claims 29-32, 34, 35, and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zdeblick et al. (U.S. Pat. 5,984,967) in view of Conston et al. (U.S. Pat. 5,456,693).

Claims 33, 36, and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zdeblick et al. and Conston et al. as applied to Claims 29 and 34, and further in view of Wallace et al. (U.S. Pat. 6,585,754).